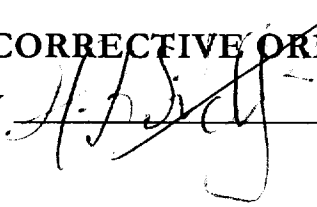


**A CORRECTIVE ORDINANCE**

BY



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AN ORDINANCE TO CORRECT AN ORDINANCE, 03-O-1702, ADOPTED BY THE CITY COUNCIL ON DECEMBER 1, 2003 AND APPROVED BY THE MAYOR ON DECEMBER 9, 2003, SO AS TO EFFECTUATE THE INTENT OF THE CITY COUNCIL TO ESTABLISH A NEW CLOSING TIME FOR ESTABLISHMENTS LICENSED TO SELL ALCOHOLIC BEVERAGES; PROVIDING FOR AN EXCEPTION FOR SPECIAL ENTERTAINMENT DISTRICTS; CONFORMING SUNDAY SALES HOURS TO STATE LAW; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

**WHEREAS**, the City has the responsibility to regulate, and prohibit any act, practice, conduct, or use of property which is detrimental, or likely to be detrimental, to the health, sanitation, cleanliness, welfare, and safety of the inhabitants of the city and to provide for the enforcement of such standards; and

**WHEREAS**, the City has the power to make, ordain, and establish such laws, ordinances, rules, and regulations as are necessary for the security, welfare, convenience, and interest of the city and the inhabitants thereof and for preserving the health, peace, order, and good government of the city; and

**WHEREAS**, by Ordinance 03-O-1702 the Atlanta City Council changed the ordinances pertaining to the closing time for the sale of alcoholic beverages; and

**WHEREAS**, Ordinance 03-O-1702 did not fully capture the legislative intent and resulted in certain ambiguities in the Code of Ordinances, which the City Council now wishes to clarify.

**THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA hereby ordains as follows:**

**Section 1:** That Chapter 10, Article II, Section 10-209, be amended by deleting sub-paragraph (c) in its entirety and substituting in lieu thereof the following:

*(c) Sale of wine or malt beverages for on-premises consumption.*

- (1) Except as otherwise provided by O.C.G.A. § 3-3-7 and those licensees located within a special entertainment district as defined by Code Section 10-211, all other licensees for the sale of wine or malt beverages for consumption on the premises shall be authorized to engage in the sale of wine or malt beverages on Monday through Friday between the hours of 9:00 a.m. of one day and 2:30 a.m. of the following day and on Saturday from 9:00 a.m. to 2:30 a.m. on Sunday. Wine and/or malt beverages may be sold on Sundays between the hours of 12:30 p.m. and 12:00 a.m. midnight only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code section 10-1). Wine and/or malt beverages may also be served on Sunday in conjunction with the issuance of both an outdoor festival permit pursuant to Code section 138-204 and a special event permit pursuant to Code section 10-8.
- (2) Anytime December 31st falls on a Sunday, beer and wine may be sold by the drink for consumption on the premises between the hours of 12:30 p.m. Sunday, December 31st, to 2:30 a.m. Monday, January 1st, only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code section 10-1). Anytime December 31st falls on a Sunday, all other establishments licensed to sell beer and wine by the drink for consumption on the premises may sell such beer and wine between the hours on 12:01 a.m. Monday, January 1st, to 2:30 a.m. Monday, January 1st. Anytime St. Patrick's Day, Memorial Day, Independence Day and Labor Day fall on a Monday, beer and wine may be sold by the drink for consumption on the premises between the hours of 12:30 p.m. of that particular prior Sunday, to 2:00 a.m. Monday, on the date of that particular holiday, only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code section 10-1). Anytime Independence Day falls on a Sunday, beer and wine may be sold by the drink for consumption on the premises between the hours of 12:30 p.m. of that particular Sunday, to 2:00 a.m. Monday, the next day, only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code section 10-1).

- (3) This section shall apply in all respects to private clubs, as defined by Code Section 10-1, except as provided by O.C.G.A. § 3-7-2.

**Section 2:** That Chapter 10, Article II, Section 10-209 be amended by deleting existing subsection (d) in its entirety and inserting in lieu thereof the following:

(d) *Sale of distilled spirits by the drink or for on-premises consumption.*

- (1) Except as otherwise provided by O.C.G.A. § 3-3-7, and those licensees located within a special entertainment district as defined by Code Section 10-211, all licensees for the sale of distilled spirits by the drink or for the operation of a bottle house on the premises shall be authorized to engage in the sale of those distilled spirits only on Monday through Friday between the hours of 9:00 a.m. of one day and 2:30 a.m. of the following day and on Saturday from 9:00 a.m. to 2:30 a.m. on Sunday. Distilled spirits may be sold on Sundays between the hours of 12:30 p.m. and 12:00 a.m. only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code section 10-1). Distilled spirits may also be served on Sunday in conjunction with the issuance of both an outdoor festival permit pursuant to Code section 138-204 and a special event permit pursuant to Code section 10-8.
- (2) Anytime December 31st falls on a Sunday, distilled spirits may be sold by the drink for consumption on the premises between the hours of 12:30 p.m. Sunday, December 31st, to 2:30 a.m. Monday, January 1st, only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code section 10-1). Anytime December 31st falls on a Sunday, all other establishments licensed to sell distilled spirits by the drink for consumption on the premises may sell such distilled spirits between the hours on 12:01 a.m. Monday, January 1st, to 2:30 a.m. Monday, January 1st. Anytime St. Patrick's Day, Memorial Day, Independence Day and Labor Day fall on a Monday, distilled spirits may be sold by the drink for consumption on the premises between the hours of 12:30 p.m. of that particular Sunday, to **2:30** a.m. Monday, the next day, only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code section 10-1). Anytime Independence Day falls on a

Sunday, distilled spirits may be sold by the drink for consumption on the premises between the hours of 12:30 p.m. of that particular Sunday, to 2:30 a.m. Monday, the next day, only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code section 10-1).

- (3) This section shall apply in all respects to private clubs, as defined by Code Section 10-1, except as provided by O.C.G.A. § 3-7-2.

**Section 3:** That Chapter 10, Article II, Section 10-209 be amended by deleting existing subsection (e) in its entirety and inserting in lieu thereof the following:

*(e) Sale of wine or malt beverages for on-premises consumption within a special entertainment district.* Except as otherwise provided by O.C.G.A. § 3-3-7, all licensees in wine or malt beverages for consumption on the premises within a special entertainment district as defined by Code Section 10-211 shall be authorized to engage in the sale of those wines or beverages in the following manner:

- (1) Wine and/or malt beverages may be sold on Monday through Friday between the hours of 9:00 a.m. of one day and 4:00 a.m. of the following day and on Saturday from 9:00 a.m. to 2:55 a.m. on Sunday.
- (2) Wine and/or malt beverages may be sold on Sundays between the hours of 12:30 p.m. and 12:00 a.m. only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code section 10-1). Notwithstanding this subsection, a licensed farm winery tasting room located within a special entertainment district may sell wine for on-premises consumption on Sundays from 12:30 p.m. until 12:00 midnight, as permitted by O.C.G.A. § 3-6-21.2. Wine and/or malt beverages may also be served on Sunday in conjunction with the issuance of a special event permit pursuant to Code section 10-8.
- (3) Anytime December 31st falls on a Sunday, beer and wine may be sold by the drink for consumption on the premises between the hours of 12:30 p.m. Sunday, December 31st, to 4:00 a.m. Monday, January 1st, only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code section 10-1). Anytime December 31st falls on a Sunday, all other

establishments licensed to sell beer and wine by the drink for consumption on the premises may sell such beer and wine between the hours on 12:01 a.m. Monday, January 1st, to 4:00 a.m. Monday, January 1st. Anytime St. Patrick's Day, Memorial Day, Independence Day and Labor Day fall on a Monday, beer and wine may be sold by the drink for consumption on the premises between the hours of 12:30 p.m. of that particular prior Sunday, to 4:00 a.m. Monday, on the date of that particular holiday, only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code section 10-1). Anytime Independence Day falls on a Sunday, beer and wine may be sold by the drink for consumption on the premises between the hours of 12:30 p.m. of that particular Sunday, to 4:00 a.m. Monday, the next day, only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code section 10-1).

- (4) This section shall apply in all respects to private clubs, as defined by Code Section 10-1, except as provided by O.C.G.A. § 3-7-2.

**Section 4:** That Chapter 10, Article II, Section 10-209 be amended by deleting existing subsection (f) in its entirety and inserting in lieu thereof the following:

(f) *Sale of distilled spirits by the drink or for on-premises consumption within a special entertainment district.* Except as otherwise provided by O.C.G.A. § 3-3-7, all licensees for the sale of distilled spirits by the drink or for the operation of a bottle house on the premises within a special entertainment district as defined by Code Section 10-211 shall be authorized to engage in the sale of those distilled spirits in the following manner:

- (1) Distilled spirits may be sold by the drink or for on-premises within a special entertainment district on Monday through Friday between the hours of 9:00 a.m. of one day and 4:00 a.m. of the following day and on Saturday from 9:00 a.m. to 2:55 a.m. on Sunday.
- (2) Distilled spirits may be sold by the drink or for on-premises within a special entertainment district on Sundays between the hours of 12:30 p.m. and 12:00 a.m. only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code section 10-1). Distilled spirits may also be served on

Sunday in conjunction with the issuance of a special event permit pursuant to Code section 10-8.

- (3) Anytime December 31st falls on a Sunday, distilled spirits may be sold by the drink for consumption on the premises between the hours of 12:30 p.m. Sunday, December 31st to 4:00 a.m. Monday, January 1st, only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code section 10-1). Anytime December 31st falls on a Sunday, all other establishments licensed to sell distilled spirits by the drink for consumption on the premises may sell such distilled spirits between the hours on 12:01 a.m. Monday, January 1st, to 4:00 a.m. Monday, January 1st.
- (4) Anytime St. Patrick's Day, Memorial Day, Independence Day and Labor Day fall on a Monday, distilled spirits may be sold by the drink for consumption on the premises between the hours of 12:30 p.m. of that particular Sunday, to 4:00 a.m. Monday, the next day, only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code section 10-1). Anytime Independence Day falls on a Sunday, distilled spirits may be sold by the drink for consumption on the premises between the hours of 12:30 p.m. of that particular Sunday, to 4:00 a.m. Monday, the next day, only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code section 10-1).

**Section 4:** That Chapter 10, Article II, Section 10-209 be amended by deleting existing subsection (g) in its entirety and inserting in lieu thereof the following:

- (g) *Time limit for clearing patrons from premises.* All licensed premises described in subsections (c), (d), (e) and (f) of this section shall be closed to the public at the time set by this section for the discontinuance of the sale of alcohol and the premises cleared of patrons within 30 minutes after the time set by this section for discontinuance of the sale of alcoholic beverages on the premises.

**Section 5:** The full council shall make a determination as to whether to continue in effect the above changes no later than the last full council meeting in November of 2004; provided however, the amended ordinances shall remain in effect until the code is amended through an appropriate ordinance.

**Section 6:** If any provision, clause, sentence or paragraph of this ordinance, or the application thereof to any person or circumstances, shall be held invalid and unconstitutional, such invalidity shall not affect the other provisions or application of the provisions of this ordinance which can be given effect without the invalid provisions or application and, to this end, the provisions of this ordinance are hereby declared to be severable.

**Section 7:** To the extent any ordinance or part of ordinance is in conflict herewith, it is the intent of the City Council that this ordinance shall apply.

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